



U.S. Army
Southern Regional Environmental Office



REGIONAL UPDATE

June 1999

REGION IV EDITION

This publication provides current information on environmental actions and events in the Federal Region IV area (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) that affect U.S. Army activities and operations. Its purpose is to keep Army environmental decision makers, planners and program managers abreast of developments important to their responsibilities. We encourage feedback and welcome suggestions for expanded or improved coverage. Please contact us at: U.S. Army Environmental Center, Southern Regional Environmental Office, Attn: SFIM-AEC-SR, 430 Tenth Street N.W. Suite S-206 Atlanta, GA 30318-5768, (404) 347-1570 ext. 275 commercial, (404) 347-1577 fax, or electronically at sreo@sreo.army.mil. For additional sources of information regarding environmental regulations, please contact the Army Environmental Information System Hotline at 1-800-USA-EVHL or <http://aec.army.mil/>.

ANNOUNCEMENTS

Basic and Advanced Risk Communication Workshops: The U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) will be conducting FY 99 basic Risk Communications Workshops: 22-24 June - Seattle, WA; and 20-22 July - Washington, DC. The workshop will provide participants with the tools to communicate health, safety, and environmental risk issues to the public, media, citizens' groups, RABs, and others. The workshop is based on recent scientific research in the field of risk communication. Advanced Risk Communication Workshops are scheduled for: 9-12 August - New England (site TBA). For further information contact: Lori Geckle, CHPPM, (410) 436-7709, e-mail: geckle@chmmp-ccmail.apgea.army.mil.

The 1999 Region 4 Environmental Protection Agency/Department of Defense/Civilian Federal Agency/States Environmental Conference: The conference will be held at the Atlanta Colony Square Hotel by Sheraton (Midtown Atlanta), June 29, 30 and July 1, 1999. (Conference Registration Fee - \$120.00) This year's THEME is "Compliance in Y2000 and Beyond". Invitations, registration, directions, draft agenda, etc., have been mailed. A 4-hour training session on the Munitions Rule will be conducted before the conference. Conference Contacts are: Richard Wolff, Conference Coordinator (904) 542-2992; David Holroyd, EPA Coordinator, (404) 562-9625; Southern Regional Environmental Office (404) 347-1570.

The Fourth Meeting of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force (Task Force): The purpose of this Task Force, consisting of Federal, State, and Tribal members, is to understand and address nutrient management and hypoxia related issues in the Mississippi River and Gulf of Mexico watersheds. The matters to be discussed at the meeting include six topical scientific reports on an assessment of the causes and consequences of hypoxia in the Gulf of Mexico, and the work schedule for completion of an Action Plan for addressing hypoxia in the Gulf of Mexico. The science assessment and the Action Plan were requested by the National Science and Technology Council's Committee on Environment and Natural Resources (CENR) as required by section 604(a) and 604(b) of Public Law 105-383 Coast Guard Authorization Act of 1998. The meeting of the Task Force will be open to the public, and the public will be afforded an opportunity to provide input during open discussion periods. DATES: 12:00 p.m.-5:00 p.m., and optional 6:00 p.m.-10:00 p.m. session on June 30, 1999; and 8:30 a.m.-12:30 p.m. on July 1, 1999. Memphis Cook Convention Center, 255 N. Main Street, Memphis, TN; (901) 527-7300. For further information contact Dr. Mary Belefski, U.S. EPA, Assessment and Watershed Protection Division (AWPD), 401 M Street, S.W. (4503F), Washington, D.C. 20460, telephone (202) 260-7061; belefski.mary@epa.gov.

FEDERAL

NEW REFERENCE METHOD FOR MEASURING CONCENTRATIONS OF PM 2.5: The Environmental Protection Agency (EPA) has designated a new reference method for measuring concentrations of PM 2.5 in ambient air. The new reference method is a manual monitoring method based on a particular commercially available PM 2.5 sampler. As a designated reference method, this method is acceptable for use under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. The notice announcing the designation of the new reference method was published in the 19 April 1999 *Federal Register* (64 FR 19153). Proposed revisions to this method were published in the 22 April 1999 *Federal Register* (64 FR 19740). For further information contact: EPA, Frank McElroy, Human Exposure and Atmospheric

LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES: Under the U.S. Environmental Protection Agency (EPA) Significant New Alternatives Policy (SNAP) program, the agency has issued a final rule which: (1) clarifies the criteria for unique fittings used in motor vehicle air-conditioning systems; and (2) addresses: (a) the acceptability of certain substitutes in the fire suppression, solvent, and aerosol sectors, and (b) the unacceptability of substitutes in the refrigeration and air conditioning, solvents, aerosols, fire suppression, and adhesives, coatings, & inks sectors. The final rule was published in the 28 April 1999 *Federal Register* (64 FR 22982). For further information contact: the Stratospheric Protection Hotline, 1-800-296-1996 or Kelly Davis, EPA, Analysis and Review Branch, Stratospheric Protection Division, (202) 564-2303 or fax (202) 565-2096.

ALABAMA

Media/Regulatory Area: Air
Announcing Agency: Dept of Environmental Mgmt
Purpose of Notice:

The Department has adopted revisions to the Division 3 Code. The revisions include: 1) a revision of the definition of VOC in Chapter 335-3-1; 2) incorporation by reference of changes to the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants from 04/15/97 to 10/07/97, inclusive; 3) the addition of clarifying amendments and minor revisions to the Capture Efficiency regulations in Appendix F; 4) the addition of a new rule in Chapter 335-3-14 to implement section 112(g) of the Clean Air Act; 5) a revision to the requirements for New Source Review in Nonattainment Areas contained in Chapter 335-3-14; and 6) the incorporation of the third set of amendments to the Transportation Conformity regulations in Chapter 335-3-17. A public hearing was held 01/08/98. Written comments were accepted through 01/19/98.

Effective Date: The Department adopted the rules and they are now in effect.

Source: Stateside Report, Jun1, 99

POC: John Poole, 334-271-7730

Media/Regulatory Area: Water
Announcing Agency: Dept of Environmental Mgmt
Purpose of Notice:

The Department has revised provisions relating to its Public Water Supply Rules, as well as incorporates the updated definitions of a "VOC monitoring waiver" and the "point of collection for a VOC sample." (Division 7 of its Code). The revisions included: (1) the addition of language requiring all public water systems to complete source water assessments for each of their potable water sources, and (2) the establishment of requirements for a voluntary Wellhead Protection Program that public water systems may establish to qualify for certain waivers under Division 7. A public hearing was held 10/07/98. The comment deadline was 10/26/98.

Effective Date: The Department adopted the amendments and they are now in effect.

Source: Stateside Report, Jun1, 99

POC: John Poole, 334-271-7730

FLORIDA

Media/Regulatory Area: Air
Announcing Agency: Dept of Environmental Protection
Purpose of Notice:

The Department has revised its air permitting programs to update and revise various provisions of its Title V and non-Title V permits. Specifically, the current Long Form would be updated and made applicable to Title V sources only (construction and initial operation); a new application form would be adopted for non-Title V sources (construction and federally-enforceable operation); the current Short Form would be updated and made applicable to non-Title V renewals, only; the Annual Operating Report form would be updated; and the Notification of Intent to Relocate form would be renumbered and updated as necessary.

Effective Date: The Department has adopted the amendments and updated as necessary.

Source: Stateside Report, Jun1, 99

KENTUCKY

Media/Regulatory Area: Air
Announcing Agency: Dept of Environmental Protection, Div. For Air Quality
Purpose of Notice:

The Department has adopted amendments to incorporate by reference several federal Maximum Control Technology Standards, which are promulgated under Section 112 of the Clean Air Act. The following is the list of the regulations Department amended: 1) 401 KAR 63:060, List of hazardous air pollutants, petitions process, lesser quality designations and source category list; 2) 401 KAR 63:100, General provisions; 3) 401 KAR 63:104, National emission standards for oil-water separators and organic-water separators; 4) 401 KAR 63:541, National emission standards for hazardous air pollutants from secondary lead smelting; 5) 401 KAR 63:560, National emission standards for marine tank vessel loading operations; 6) 401 KAR 63:640, National emission standards for hazardous air pollutants from petroleum refineries; 7) 401 KAR 63:680, National emission standards for hazardous air pollutants from off-site waste and recovery operations; 8) 401 KAR 63:900, National emission standards for tanks - Level 1; 9) 401 KAR 63:940, National emission standards for surface impoundments; and 10) 401 KAR 63:960, National emission standards for individual drain systems. A public hearing was held on 02/23/98 and written comments were accepted until that date.

Effective Date: The Department has adopted the amendments and they are now in effect.

Source: Stateside Report, Jun1, 99

POC: Millie Ellis, 502-573-3382

Media/Regulatory Area: Air
Announcing Agency: Dept of Environmental Protection, Div. For Air Quality
Purpose of Notice:

The Department has amended its administrative regulation regarding the existing source emitting toxics air pollutants regulations. (401 KAR 63:021) The amendments delete all the provisions of the existing regulation and require any source in existence on the effective date of this amendment to maintain all conditions of a permit which was issued pursuant to 401 KAR 63:021 or 401 KAR 63:022 in place unless a source can demonstrate that a condition is no longer necessary to protect human health or the environment. Also, the Department has repealed 401 KAR 63:022, the "New or modified sources emitting toxic air pollutants" rule. Staff indicated that the net effect of this regulatory action would be to set the air requirements in Kentucky at the same level as the federal MACTs. By repealing the current additional air requirements found in 401 KAR 63:022, and modifying 401 KAR 63:021, the regulatory scheme will mirror the federal MACT standards. Under the new plan, however, controls already in place can not be removed without the abovementioned demonstration by industry. A public hearing to receive oral and written comments on the proposed actions was held 3/24/98. The Department received comments at its 03/98 hearing from the Associated Industries of Kentucky, the American Lung Association of Kentucky, and the Kentucky Resources Council as well as one company, an individual and a private firm. Those comments were considered in drafting its proposal. A public hearing was held 09/29/98.

Effective Date: The Department adopted the amendments and they are now in effect.

Source: Stateside Report, Jun1, 99

POC: Millie Ellis, 502-573-3382

MISSISSIPPI

Media/Regulatory Area: Cleanup
Announcing Agency: Department of Environmental Quality
Purpose of Notice:

The Department has adopted rules to implement its brownfields program. The rules were divided into two major parts (voluntary cleanup and redevelopment, and risk evaluation procedures). In 1998, the Mississippi Legislature enacted the Mississippi Brownfields Voluntary Cleanup and Redevelopment Act. This proposal will implement this legislation.

The Department held a public hearing 04/22/99 and accepted written comment until 04/23/99MS, Brownfields rules, proposed rule, conversation with department staff 02/12/99, 05/20/99, 06/01/99 and department web site.

Effective Date: The Environmental Quality Commission approved the rules 05/27/99 and they will become effective 06/26/99.

Source: Stateside Report, Jun 1, 99

POC: Chuck D. Barlow, 601-961-5076

NORTH CAROLINA

Media/Regulatory Area: Air

Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has adopted USEPA's Acid Rain rule with regard to Nox emissions. A public hearing on this rule was held 08/20/98. No significant comments were received. The Commission adopted this rule at its 10/8/98 meeting.

Effective Date: The General Assembly did not object to this rulemaking and it became effective 04/01/99.

Source: Stateside Report, Jun 1, 99

POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air

Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has adopted a hospital\medical\waste incineration regulation. Although the Department re-wrote the entire regulation to conform to the North Carolina rule format, the substantive standards was intended to be identical to the federal standards. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 July 1999

Source: Stateside Report, Jun 1, 99

POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air

Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has amended its regulations to adopt the new National Air Quality Standard for Ozone. Rule 15A NCAC 2D .0405, Ozone, was amended to replace the current standard of 0.12 ppm, maximum hourly average, with the new 0.08 ppm, daily maximum eight-hour average. The USEPA promulgated a new ambient air quality standard for ozone in the 07/18/97, Federal Register. The new standard is 0.08 ppm, daily maximum eight-hour average. Compliance with the standard is met at an ambient air quality monitoring site when the three-year average of the annual forth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.08 ppm. The Department held a public hearing 08/20/98. No significant comments were received. The Commission adopted this rule at its 11/19/98 meeting. The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999

Source: Stateside Report, Jun 1, 99

POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air

Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has adopted the new National Ambient Air Quality Standard for PM2.5, fine Particulate Matter, and revising the method for determining compliance with the ambient air quality standard for PM10, coarse particulate matter. Rule 15A NCAC 2D .0409, Particulate Matter, was amended to change the way that compliance with the PM10 standards is determined. (PM10 is particulate matter with an aerodynamic diameter of 10

microns or less.) Compliance with the PM 10 standard will be based on the 99th percentile of 24-hour PM 10 concentration at each monitor. On 7/18/97, the USEPA promulgated new ambient air quality standards for particulate matter. These new standards are for particulate matter with an aerodynamic diameter of 2.5 microns or less, which is generally referred to as PM 2.5 or fine particulate matter. The new PM2.5 standards are 15 micrograms per cubic meter based on the three-year average of annual arithmetic average mean PM2.5 concentrations from single or multiple community-oriented monitors and 65µm.m3 based on the three year average of the 98th percentile of 24-hour PM2.5 concentrations at each population -oriented monitor within an area. The Department held a public hearing 08/20/98. The Commission adopted this rule at its 11/19/98 meeting. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999
Source: Stateside Report, Jun 1, 99
POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air
Announcing Agency: Department of Environment and Natural Resources
Purpose of Notice:

The Department has clarified its Title V permitting provisions by removing the reference currently found within those regulations regarding synthetic minor permits. This action was the Department's response to the USEPA's revised position on synthetic minor facilities. Previously, the permitting rules were drafted so that provisions for both synthetic minor facilities and synthetic minor permits were included in the section of the rules that pertained to Title V permits. Now, however, since USEPA has indicated that a synthetic minor facility can be treated like a new facility, to continue including the Title V and synthetic minor provisions in the same section only causes confusion. To rectify the situation, the synthetic minor permitting provisions were moved to 15A NCAC 2Q.0300, the provision that outlines permitting procedures for facilities not required to have a permit under Title V. The Department held a public hearing for this rule 08/20/98. Environmental groups repeatedly voiced their desire to have these rule amended so that all permit notices would be public noticed and available for comments. The Department rejected that idea based on its available time and resources and the size of such a task. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 July 1999
Source: Stateside Report, Jun 1, 99
POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air
Announcing Agency: Department of Environment and Natural Resources
Purpose of Notice:

The Department has adopted amendments that would clarify the rights and duties of permittees under the construction and operation permit program. The general permitting procedure rules (15A NCAC 2Q .0300) lack some of the clarity of the Title V procedures (15A NCAC 2Q .0500). The Department added provisions that specify the following: 1) a facility with a permit that is being challenged may continue to operate under those parts of the permit not being challenged; 2) an existing permit may remain in effect when the permittee has submitted a renewal application, but the Air Division has failed to act on the application before the permit expires; 3) a permittee has a duty to comply with the permit, and noncompliance with any permit condition is ground for enforcement action, permit termination, revocation and reissuance, revision, or denial of a permit renewal application; 4) a permittee may not use as a defense in an enforcement action that halting or reducing the permitted activity would have been necessary to maintain compliance with the permit conditions; 5) a permittee is obliged to furnish the Air Division, in a timely manner, any reasonable information that the Director requests in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit; 6) an applicant who fails to submit any relevant facts or has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, submit supplementary or corrected information as soon as possible; 7) the filing of a request for a permit revision, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay

any permit condition; and 8) the permit does not convey any property rights or exclusive privileges. A public hearing was held 08/20/98. No significant comments were received. The Commission adopted this rule at its 10/8/98 meeting. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999
Source: Stateside Report, Jun 1, 99
POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air
Announcing Agency: Department of Environment and Natural Resources
Purpose of Notice:

The Department has adopted revisions to its air pollution rule governing activities exempt from permit requirements. The revisions establish a process under which sources at facilities required to have a Title V permit may be exempted from being specifically listed on the permit if there are no applicable requirements for that source. The rule governing activities that are exempt from permit requirements (15A NCAC 2Q .0102) previously exempted sources for which there are no applicable requirements provided that the facility is not required to be permitted under the Title V procedures (15A NCAC 2Q .0500). Sources at facilities required to have a permit under 15A NCAC 2Q .0500 were not eligible for the exemption even if there are no applicable requirements for it to meet. The amendments add a process under which some of these sources could be exempted from being listed on the permit. The Commission adopted this rule at its 10/8/98 meeting. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999
Source: Stateside Report, Jun 1, 99
POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air
Announcing Agency: Department of Environment and Natural Resources
Purpose of Notice:

The Department has adopted a rule which would allow the exclusion of peak shaving generators from Title V permit procedures and requirements without having to take permit restrictions. The purpose of exclusionary rules is to define certain types of facilities as small based on throughput or usage. A facility that is below the level specified in an applicable exclusionary rule, and complies with the requirements of the rule can avoid the Title V permitting process without having to take permit limits. A public hearing was held 08/20/98. The Commission adopted this rule at its 10/8/98 meeting. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 July 1999
Source: Stateside Report, Jun 1, 99
POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air
Announcing Agency: Department of Environment and Natural Resources
Purpose of Notice:

The Department has revised several rules regarding recordkeeping and reporting. The rules will impact the SIP, sulfur monoxide monitoring. This rulemaking also adopted the Federal CAM rule. This rulemaking was attached to the SOx reporting and recordkeeping rule. A public hearing was held 06/11/98. No significant comments were received. The comment period for this rule ended 07/17/98. The Commission adopted this rule at its 11/19/98 meeting. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999
Source: Stateside Report, Jun 1, 99
POC: Tom Allen, 919-733-1489

Media/Regulatory Area: Air
Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has revised its monitoring requirements for air pollution emissions (15A NCAC 2D .0601 to .0615). The revisions specify general recordkeeping and reporting requirements and exceptions to the monitoring and reporting requirements. The revisions specify that the following sources must be monitored in compliance with USEPA's rules in 40 CFR part 51, appendix P: 1) fossil fuel-fired steam generators; 2) nitric acid plants; 3) sulfuric acid plants; and 4) petroleum refineries. The revisions also raise the averaging time for large boilers from one to three hours and add details for fuel analysis. Other possible changes include requiring a quality assurance monitoring program and adding an enforcement rule known as "any credible evidence." A public hearing was held 06/11/98 and the hearing record remained open until 07/17/98. Department staff indicated that other comments received were insignificant. Also, at the 06/11/98 public hearing the Department accepted comments on the sulfur dioxide averaging times of three-hour and 24-hour rolling averages a possible replacements for the proposed 24-hour block average. Many comments, especially from electric utilities, were received regarding this issue. The Commission adopted this rule at its 11/19/98 meeting. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999**Source:** Stateside Report, Jun 1, 99**POC:** Tom Allen, 919-733-1489**Media/Regulatory Area:** Air**Announcing Agency:** Department of Environment and Natural Resources**Purpose of Notice:**

The Department has adopted amendments that would correct the test method referenced in Rule 15A NCAC 2D .1204, Reporting and Recordkeeping, for Mercury. Specifically, the test method for municipal waste combustors were incorrect. The rule makes the necessary corrections so that it will mirror its federal counterpart at 101 and 101A of 40 CFR Part 61, Appendix B. The Department held a public hearing 08/20/98. The rule was presented to the Rules Review Committee 11/19/98. The Committee objected to the rule on two grounds. The first was that the Department lacked authority to adopt the rule. That objection was quickly settled. The second objection was based on a charge of rule ambiguity. The Commission believed that a certain provision of the rule lacked clarity with respect to the criteria the administrator could consider when making a determination. The Department has remedied this issue by incorporating a reference to the federal rule and its criteria. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 July 1999**Source:** Stateside Report, Jun 1, 99**POC:** Tom Allen, 919-733-1489**Media/Regulatory Area:** Air**Announcing Agency:** Department of Environment and Natural Resources**Purpose of Notice:**

The Department has adopted revisions to its rules governing air pollution from coating, solvent cleaning, and graphic arts operations (15A NCAC 2Q .0801, .0803). The revision clarify that potential emissions of hazardous air pollutants that are also volatile organic compounds may be computed using the procedures in 15A NCAC 2Q .0803. That rule provides that potential emissions for coating, solvent cleaning, and graphic arts operations are equal to the actual uncontrolled emissions.) The rules imply that the procedures in 15A NCAC 2Q .0803 may be used to compute potential emissions for hazardous air pollutants, but do not specifically state it. The Department held a public hearing on this rule 08/20/98. No significant comments were received at the hearing. The rule was presented to, and approved by, the Rules Review Commission on 11/19/98. 05/19/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999**Source:** Stateside Report, Jun 1, 99**POC:** Tom Allen, 919-733-1489**Media/Regulatory Area:** Hazardous Waste

Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has adopted several revisions to its hazardous waste regulations. The revisions: 1) incorporate by reference USEPA rules on RCRA permit procedures and adopt certain state revisions to the federal rules; 2) incorporate by reference USEPA rules on transfrontier shipment of hazardous waste for recovery in the OECD; 3) add 40 CFR 268.39 to the Land Disposal Prohibition rules; 4) remove and relocate the rules on hazardous waste burned for energy recovery in accordance with USEPA changes; and 5) revise the universal waste rule by adding 40 CFR 273.6 (Definitions) to the rule's general provisions. 05/24/99 UPDATE: The General Assembly did not object to the rulemaking.

Effective Date: 1 April 1999

Source: Stateside Report, Jun 1, 99

POC: Bud McCarty, 919-733-4996 x247

Media/Regulatory Area: Solid Waste

Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has adopted a rule that will permit the use of a landfill liner design other than the one previously approved. This new liner is equally as protective, but more economical to implement. The rule was mandated by the General Assembly with a July 1, 1998 effective date. The Department drafted the rule as a temporary rule because of the deadline defined by the General Assembly. This rule, although driven by a General Assembly mandate, also has the support of industry. The regulated community fully supported this rule. In fact, industry had petitioned, with the support of the NC Solid Waste Association of North America (SWANA), the Department to develop this rule. The rule was originally adopted as a temporary rule, but a permanent rule-making began shortly after. 05/25/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999

Source: Stateside Report, Jun 1, 99

POC: Joan Troy, 919-733-0692 x271

Media/Regulatory Area: Water

Announcing Agency: Department of Environment and Natural Resources

Purpose of Notice:

The Department has adopted amendments that revise the protected area boundaries for 29 WS-IV (water supply) protected areas. In May 1996, the Environmental Management Commission clarified that the protected area boundary for WS-IV run-of-the-river water supplies should be measured using the "as-the-river-flows" methodology instead of a linear methodology. The Commission stated that each proposed modification to the WS-IV protected areas must go through the rulemaking process. Twenty local governments submitted resolutions requesting to have the protected area boundaries within their jurisdictions revised. The resolutions affected 29 of the 55 WS-IV water supplies with a ten-mile protected area. The result of the boundary modifications will be that local governments will have less area within their water supply protected areas. The area affected by state permitting requirements for landfills, residual application sites, and wastewater dischargers will also potentially be reduced. A public hearing was held on 08/25/97. Written comments were due by 09/25/97. The Department issued a proposed rule in Spring 1998. The comment period on the proposed rule ended on 06/08/98. The rule was approved by the EMC at its 09/10/98 meeting. 05/25/99 UPDATE: The General Assembly did not object to this rulemaking.

Effective Date: 1 April 1999

Source: Stateside Report, Jun 1, 99

POC: Steve Zoufaly 919-715-5422

SOUTH CAROLINA

Media/Regulatory Area: Air

Announcing Agency: Department of Health and Environmental Control

Purpose of Notice:

The Department has been granted initial approval to revise its Air Pollution Control

Regulations and Standards. The revisions will focus on the definitions and general requirements of the rule. The Department held a hearing 1/14/99 at which no adverse comments were received. The Board approved the rule and the rule has been presented to the Legislature for review.

Effective Date: This rule will likely become effective in May/June 1999.

Source: Stateside Report, Jun 1, 99

POC: Renee Sheely, 803-898-4123

Media/Regulatory Area: Solid Waste

Announcing Agency: Department of Health and Environmental Control

Purpose of Notice:

The Department has amended its solid waste regulations governing solid waste incineration and solid waste pyrolysis facilities (R. 61-107.12). The amendments make the regulation applicable to all solid waste incinerators, instead of just municipal solid waste incinerators, and will include solid waste pyrolysis facilities and facilities burning solid waste for energy recovery. The Department accepted comments on this matter until 03/30/98. This period was once extended as a result of numerous additional changes to the regulation. A majority of the proposed changes focused on technical or definitional clarity, and will not impact the overall function of the regulation. This regulation was proposed at the Board of Health and Environmental Control's 05/14/98 meeting for initial approval. Staff conducted an informational meeting 07/28/98. A public hearing was scheduled for 09/10/98. Due to the amount of comments received at the session, the rule was revised. The 09/10/98 public hearing was canceled and rescheduled and held 10/08/98. This rule was presented to the Board, and approved, at the 10/08/98 meeting. 06/01/99 UPDATE: The Legislative Council did not object to this rulemaking.

Effective Date: 28 May 1999

Source: Stateside Report, Jun 1, 99

POC: Art Braswell, 803-896-4000

Media/Regulatory Area: Water

Announcing Agency: Department of Health and Environmental Control

Purpose of Notice:

The Department plans to adopt the USEPA Phase II Stormwater regulations as part of its regulatory development in 1999. The regulations will likely be adopted in late-Spring/Summer 1999, depending on USEPA's schedule. USEPA is scheduled to adopt the final Federal Phase II rules in March 1999.

Effective Date: NA

Source: Stateside Report, Jun 1, 99

POC: Alton Boozer, 803-898-4259

TENNESSEE

Media/Regulatory Area: Air

Announcing Agency: Department of Env and Conservation

Purpose of Notice:

The Department has amended its rules concerning its administrative fee schedule for air permits. (1200-3-26-.02) The Department set the fees after performing its periodic workload analysis review. The review is a division-wide assessment of the needs and capacity of the division. Two public meetings were held. The first meeting was held 11/05/98, and addressed non-regulatory issues. The second hearing was held in 12/98 to address regulatory issues and revisions that need to be made as a result of the analysis. The Department adopted the amendments and they became effective 06/09/99.

Effective Date:

Source: Stateside Report, Jun 1, 99

POC: Malcolm Butler, 615-532-0600